

REMARKS

In the Office Action dated September 20, 2006, claims 1-25 were presented for examination. The Examiner rejected claims 12-25 under 35 U.S.C. §112, first paragraph. The Examiner rejected claims 1-25 under 35 U.S.C. §112, second paragraph. The Examiner rejected claims 1-25 under 35 U.S.C. §101. The Examiner rejected claims 1-25 under 35 U.S.C. §102(b).

The following remarks are provided in support of the pending claims and responsive to the Office Action of September 20, 2006 for the pending application.

I. Rejection Under 35 U.S.C. §112, first paragraph

In the Office Action dated September 20, 2006, the Examiner rejected claims 12-25 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant has amended claims 12 and 22 to more specifically claim the computer system of Applicant's invention. More specifically, Applicant has included the limitations of a processor in communication with a storage media, and a shared resource stored on the storage media. These amendments to both claims 12 and 22 enables one skilled in the art to make and/or use the invention. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of claims 12-25.

II. Rejection Under 35 U.S.C. §112, second paragraph

In the Office Action dated September 20, 2006, the Examiner rejected claims 1-25 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner noted two items in claim 1. The first of these items being an item that lacked sufficient antecedent basis. Applicant has removed an excess term from the claim to provide proper antecedent basis. The second of these items being the term "storing said pointer" in line 9. This action of storing references the previous mention thereof, and the associated amendment to claim 1 clarifies this element of the claim. Finally, with respect to claim 1, the Examiner noted an issue with the term "instructions" in a method claim. Applicant has removed this term from the method claims, as suggested by the Examiner.

Although the Examiner has rejected the non-method claims under 35 U.S.C. §112, second paragraph, the Examiner does not note any specific elements that require clarification. It is presumed that this rejection should have been limited to claims 1-11 and not to include claims 12-25. Accordingly, based upon the amendments noted above, Applicant respectfully requests that the Examiner remove the rejection of claims 12-25 under 35 U.S.C. §112, second paragraph.

III. Rejection Under 35 U.S.C. §101

In the Office Action dated September 20, 2006, the Examiner rejected claims 1-25 under 35 U.S.C. §101 indicating the claims are directed to non-statutory subject matter. More specifically, the Examiner has indicated that the language of claim 1, and claims 2-11, as being directed to an abstract idea. Applicant has amended claim 1 to further claim data elements organized in a shared resource to support data manipulation functions.

The Examiner has further indicated that the language of claim 12 and 22, as being directed to software and having no tangible result. Applicant's amended claims 12 and 22 are each directed to a processor in a computer system in communication with storage media. Applicant has amended claims 12 and 22 as containing a process in communication with storage media, and the storage media having data elements organized and stored thereon. The amendments to the claims presented herein focus on the structure of the computer system by claiming the elements of the system. The instructions of the computer system are claimed as providing storage of a pointer in the shared resource to a specified element of the shared resource based upon the ordering of the instructions. The structure of these claims as amended is not an abstract idea, but rather is a concrete and tangible form that accomplishes a practical application - storing a pointer in a shared resource in compliance with a set of instructions. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of claims 1-25 under 35 U.S.C. §101

IV. Rejection under 35 U.S.C. §102(b)

Claims 1-25 were rejected under 35 U.S.C. §102(b) as being anticipated by *Robertson*, U.S. Patent No. 5,850,632.

Applicant hereby incorporates the comments and remarks made to the *Robertson* patent '632 in response to the prior Office Actions and the Appeal Brief.

The Examiner has asserted that program counter register of *Robertson* is equivalent to the pointer claimed by Applicant. More specifically, in the Office Action dated September 20, 2006, the Examiner states "The claim does not make any mention where the pointer itself is stored." See Office Action, page 11, 1 full paragraph. This remark by the Examiner is in response to Applicant's prior remarks that the program counter of *Robertson* is not equivalent to Applicant's pointer, and more specifically that the memory configuration cache of *Robertson* does not have a program counter. Applicant has amended independent claims 1, 12, and 22 to indicate the location of the storage of the pointer to further differentiate Applicant's invention from *Robertson*. More specifically, Applicant's pointer is claimed as stored in the shared resource. *Robertson's* shared resource, *i.e.* memory configuration cache, cannot store the program counter therein because *Robertson's* memory configuration cache stores memory configuration information for the memory configuration unit, which does not have a program counter. Accordingly, Applicant's invention is not anticipated by *Robertson* '632.

With respect to the force element in Applicant's claims, Applicant requires the force to be associated with storing a pointer into an element of the shared resource. The act of "force" is an act that must occur, as opposed to one that may occur. As noted by the Examiner, computers operate based on input and internal state. "If an event occurs in a processor, the event must have occurred because of a set of rules the processor operates on." Office Action, page 12, third paragraph. The act of force as claimed by Applicant is not an event that necessarily will occur, unless there are contrary instructions requiring the use of a forced command to accomplish the stated event in contravention of the instructions. The actions being processed in the computer must attain a specified state in order for the act of "force" to occur. A specified set of parameters force specific write operations, as claimed. Furthermore, Applicant has amended the independent claims to specify where the pointer is stored, *i.e.* in the shared resource. The act of force is associated with both the write operations and the storing of the pointer in the shared resource. Based upon the amendment to the claims, it is clear that the force of the write

operation of Applicant is not expressly or inherently taught in *Robertson*. Accordingly, Applicant respectfully requests that the Examiner remove the rejection of claims 1-25 under 35 U.S.C. §102(b).

V. Conclusion

Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. The amendment to the claims do not add any new subject matter to the application as support for each of the claim limitations can be found in the specification. Furthermore, it is Applicant's position that the amendment submitted herein does not require an additional search, since the limitations merely clarify those elements previously claimed. Accordingly, Application respectfully requests entry of the amendment to the claims, that the Examiner indicate allowability of claims 1-25, and that the application pass to issue. If the Examiner believes, for any reason, that personal communication will expedite prosecution of the application, the Examiner is hereby invited to telephone the undersigned at the number provided.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of this application are respectfully requested.

Respectfully submitted,

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